United Nations E/C.19/2012/L.9

Economic and Social Council

Distr.: Limited
17 May 2012

Original: English

Permanent Forum on Indigenous Issues
Eleventh session
New York, 7-18 May 2012
Agenda item 4
Human rights

Recommendations of the Permanent Forum

1. Since the adoption in 2007 of the United Nations Declaration on the Rights of Indigenous Peoples, few States have entered into effective dialogue or partnerships or have undertaken adequate legal reforms to implement the Declaration.

2. The Permanent Forum urges States to provide detailed reports to the Forum on the implementation of the Declaration. It recommends public education initiatives and best practices in respect of the Declaration, in particular through training programmes for government agencies, the judiciary and law enforcement officials, in collaboration with indigenous peoples. Furthermore, the Forum recommends that such reports be included in the periodic reports mandated under human rights treaties and the universal periodic review procedures.

3. The Permanent Forum reiterates that indigenous peoples should report to the Forum on how they are implementing the Declaration in their own communities, thereby contributing to the growing evidence of how the principles enshrined in the Declaration are being practised.

4. The Permanent Forum invites members of all United Nations human rights treaty bodies, in particular the Committee on the Rights of the Child, to attend the annual sessions of the Permanent Forum, as observers, with the objective of increasing awareness about the distinct human rights and cultural contexts of indigenous peoples so as to enhance their work in relation to indigenous peoples and the Declaration.

5. The Permanent Forum reiterates the need for States to address the impact of militarization, including appropriation of land, forcible occupation and displacement, on the land, territorial and other collective rights of indigenous peoples, perpetrated by security forces, including the military, militias and other armed groups.

6. Mindful of the systemic racism experienced by indigenous peoples in the law enforcement, judicial and correctional institutions of States across the globe, the Permanent Forum urges States that have ratified the International Covenant on Civil

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and Political Rights to comprehensively review the civil rights of indigenous peoples, in particular those of indigenous women and children who are victims of sexual violence, in order to ensure that they have fair, non-discriminatory access to justice.

7. The Permanent Forum urges States to promote models for the health, social, legal and other sectors of indigenous communities and service providers to follow in implementing the Declaration. It recommends that the World Health Organization (WHO) revisit the report of the WHO Commission on Social Determinants of Health to address the cultural determinants of health, such as land, language, ceremony and identity, which are essential to the health and well-being of indigenous peoples.

8. The Permanent Forum reiterates the call, made at its tenth session, to United Nations agencies and funds to conduct and support regional and international human rights training programmes aimed at building the capacity and advocacy skills of indigenous youth. Furthermore, the Forum recommends the use of social media, youth forums and other popular cultural forms of communication to disseminate information and training material on the rights of indigenous youth and to facilitate consultation processes at the national and international levels.

9. The Permanent Forum urges States to promote and protect the rights of indigenous women and men working as journalists and as human rights defenders in accordance with international human rights law, in particular in accordance with article 16 of the Declaration, which calls for the full freedom of expression of indigenous peoples.

10. The Permanent Forum urges States to prepare reports on the actions taken to address the recommendations of all United Nations special rapporteurs, in particular the Special Rapporteur on the rights of indigenous peoples, especially the recommendations made at the conclusion of country visits, and encourages States to monitor their progress in this regard, in collaboration with indigenous peoples, United Nations country teams and all other relevant parties. Furthermore, the Forum reiterates that national human rights institutions are encouraged to assist indigenous peoples and the Special Rapporteur on the rights of indigenous peoples in the implementation of the Declaration.

11. Mindful of the human rights violations experienced by indigenous peoples, the Permanent Forum encourages States, in particular those in the Pacific region, to recognize and implement the basic fundamental human rights articulated in the Declaration, particularly the right to self-determination.

12. The Permanent Forum recommends that the full, effective and direct representation and participation of indigenous peoples, including their indigenous governments, councils, parliaments and other political institutions, should be ensured at all United Nations forums and multilateral, bilateral negotiations, as well as in the drafting processes of the corresponding emerging instruments. Such instruments must be harmonized with the Declaration, which is regarded as a reflection of the minimum human rights standards necessary for the promotion and protection of indigenous peoples, nations and communities. Such instruments should be consistent with or exceed these minimum standards.

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Agenda items 6 and 8

Half-day discussion on the rights of indigenous peoples to food and food sovereignty

Half-day discussion on Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia

Recommendations of the Permanent Forum

1. The Permanent Forum notes that indigenous peoples' right to food and food sovereignty is inextricably linked with the collective recognition of rights to land and territories and resources, culture, values and social organization. Subsistence activities such as hunting, fishing and gathering are essential not only to the right to food, but to nurturing their cultures, languages, social life and identity. The right to food depends on access to and control over their lands and other natural resources in their territories. The Forum notes that displacement, resource development such as mining, monoculture, natural disasters and other activities have an impact on food sovereignty; article 10 of the United Nations Declaration on the Rights of Indigenous Peoples is relevant to food sovereignty because without indigenous peoples' access to forests, oceans, rivers, lakes and lands for cultivation and food source sustainability food sovereignty is impossible to achieve. The levels of hunger and malnutrition among indigenous peoples are often disproportionately higher than among the non-indigenous population, and yet they often do not benefit from programmes designed to fight hunger and malnutrition or to promote development.

2. The Permanent Forum welcomes the legal reforms and policies carried out in some States to recognize the right of indigenous peoples to food and food sovereignty. It would also like to encourage the remaining States to take the steps towards its recognition. The Permanent Forum encourages States to take positive actions to facilitate the capacity of indigenous peoples to strengthen traditional food systems, such as formally recognizing and demarcating indigenous territories to enable them to carry out productive food activities, in accordance with article 8 (2) (b) of the United Nations Declaration on the Rights of Indigenous Peoples, which prohibits States from any action that has the aim or effect of dispossessing indigenous peoples of their lands, territories or resources.

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3. The Permanent Forum notes that in international law, the right to adequate food and the fundamental right to be free from hunger apply to everyone without discrimination. The Permanent Forum is concerned about the implementation gap between what is legally recognized and the reality. The right to food is frequently denied or violated, often as a result of systematic discrimination or the widespread lack of applicability of indigenous peoples' rights. The Permanent Forum recommends that States engage in an inclusive and participatory process to ensure food sovereignty and security, in accordance with the principles of free, prior and informed consent, and develop standards and methodologies and cultural indicators to assess and address food sovereignty.

4. The Permanent Forum welcomes the invitation from the Government of Mexico to include members of the Forum at the Group of 20 (G-20) summit of June 2012, and decides to appoint Saul Vicente and Dalee Sambo Dorough, members of the Forum, to attend the G-20 summit and present their views regarding the right to food.

5. The Permanent Forum welcomes the recent adoption of the Food and Agriculture Organization of the United Nations (FAO) voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security. The Permanent Forum recommends that FAO establish partnerships with indigenous peoples to implement the policy and guidelines with the aim of promoting secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment.

6. The Permanent Forum recommends Member States and United Nations agencies to include indigenous peoples in the activities programmed to commemorate the International Year of Quinoa.

7. According to articles 25 through 36 of the United Nations Declaration on the Rights of Indigenous Peoples, States shall uphold the right to free, prior and informed consent of indigenous peoples and avoid, minimize and adjudicate land conflicts arising from extractive industries, large scale water, energy and infrastructure projects, and agricultural investments.

8. The United Nations Conference on Sustainable Development (Rio+20) should embrace the cultural dimensions of sustainable development. The Permanent Forum recommends to the Conference on Sustainable Development to approve the cultural indicators as a fourth "pillar" for the elaboration of development policies for all peoples.

9. The Permanent Forum recommends FAO and the International Fund for Agricultural Development (IFAD) to provide special attention and support to food sovereignty and security concerns of indigenous peoples through thematic studies, adoption of participatory methodologies, technical and financial assistance.

Study on shifting cultivation and the sociocultural integrity of indigenous peoples

10. The Permanent Forum recommends that States formally recognize shifting cultivation as a traditional occupation for indigenous peoples that is closely related to their social and cultural identity and integrity and take effective measures to stop all discriminatory acts targeted at indigenous peoples practice of shifting cultivation in line with the provisions of International Labour Organization (ILO) Convention

No. 169, ILO Convention No. 111, ILO Recommendation No. 104 and the United Nations Declaration on the Rights of Indigenous Peoples, including through the delineation and the titles of the territories and lands concerned.

11. States should discontinue all sedentarization and other programmes that coerce indigenous peoples to forsake shifting cultivation for other modes of cultivation without their free, prior and informed consent. Alternative modes of cultivation should ensure food sovereignty, livelihood security, health security, educational security and forest conservation and other safeguards.

12. The Permanent Forum urges relevant United Nations agencies, funds and programmes, including FAO, IFAD, ILO, the United Nations Environment Programme, the United Nations Educational, Scientific and Cultural Organization, the United Nations Institute for Training and Research, the United Nations Entity for Gender Equality and the Empowerment of Women and the World Bank, to recognize and support this form of cultivation.

Agenda item 8
Half-day discussion on Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia

13. The populations of Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia are among the world's most ethnically diverse. The Russian Federation is a multi-ethnic society with over 100 different ethnic groups, 47 of which are legally recognized as "numerically small-numbered indigenous peoples of the North, Siberia and the Far East". They continue to face challenges, including low life expectancy, languages are under serious threat and land use is routinely restricted. One of the main challenges is that indigenous peoples in these regions do not have access to mechanisms to ensure the protection of their rights. Indigenous peoples need to be more involved in local politics and in decision-making on issues that involved the protection and the promotion of their rights.

14. The Permanent Forum urges the Governments of Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia regions to work in good faith with indigenous peoples for the unqualified endorsement and full implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

15. The Permanent Forum urges the Governments of Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia regions to implement international standards and norms on the rights of indigenous peoples and ensure their rights to lands, territories and resources, in particular article 20 of the United Nations Declaration on the Rights of Indigenous Peoples. This includes recognizing reindeer herders' use and management of grazing land and use of necessary biological resources by hunters, fishers and foragers.

16. The Permanent Forum recommends an increase in the decision-making mechanisms for indigenous peoples' participation in decision-making concerning land use and resource exploration and exploitation and access to free legal advice regarding development issues.

17. The Permanent Forum notes that indigenous youth in the region are often forced to leave their home and lands to receive an education, which can pose an obstacle to the right to education. The Permanent Forum urges States in Central and

Eastern Europe, the Russian Federation, Central Asia and Transcaucasia to take measures to ensure the enjoyment of the right to education by indigenous youth. The Permanent Forum encourages States of the region to facilitate the development of indigenous peoples self-administration, the development of their inner potential and human resources, forming parliaments following the example of the Sami people; and decent representation of the small-numbered indigenous peoples in the bodies of legislative and executive power on all levels.